



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

THE STATE GOVERNOR

I.

IN all the States of the American Union there is an official known as the governor, who is at the head of the executive department of the State government. Most of the State constitutions provide that "the supreme executive power" shall be vested in the governor; and in some States, the phrase "chief executive power" is used; while others have the simpler form, "the executive power," as found in the national constitution. The qualifying adjective, "supreme" or "chief," found in most of the State constitutions serves to indicate at the outset a difference in the position of the governor from that of the President of the United States.

In some respects the State governor has a position similar to that of the President of the United States, exercising important powers and influence in legislation and acting at least nominally as head of the State administration. But the administrative powers of the governor are more restricted than those of the President; and his control over the administration is often very limited.

The State governor succeeded in some measure to the position of the governor in the colonies before the Revolution; and a brief account of the colonial governor will serve as a starting point for the development of the later office. The colonial governors of the eighteenth century were appointed by the English Crown, or in some colonies by the proprietor, except in Connecticut and Rhode Island, which had elective executives,—as had also Massachusetts in the seventeenth century. The powers of this officer were conferred and limited by royal charters, commissions and instructions. These powers were at first conferred in general terms; and the early governors exercised both political and commercial functions, including military, judicial and legislative authority. But the later commissions and instructions were more definite and more limited.

A colonial governor occupied a dual position. He was, in the first place, the agent of the Crown or the proprietor, the regular medium of communication between the colony and the home government, and the executor of Acts of Parliament which applied to the colonies. His responsibility in this field was enforced, though very imperfectly, by his liability to removal and by his legal accountability to the English courts. In the second place, he was the head of the colony government; and although with the establishment of legislative assemblies and the organization of judicial courts, his powers were

lessened, he continued to have legislative and judicial functions of great importance, as well as those of an executive officer. In the latter capacity may be included his conduct of relations with the home government and of intercolonial affairs, his command of military forces and a limited power of determining peace and war, a considerable appointing power (including sheriffs and other local officials), and the power of pardon. He was assisted by a council chosen for the most part on his recommendation. In judicial affairs, the governor exercised a strong influence, through his power of appointing judges; while in most of the colonies he with his council constituted the equity and probate court, and in some colonies was also the highest common law court. In legislative affairs, he had power over the meetings and sessions of the assembly, his patronage gave him the means for gaining support in the representative house, the council acted as a second chamber, while finally the governor had an absolute veto on the acts of the assembly.

Nevertheless, the assembly representing the organized public opinion of each province, was not only a close critic of his actions, but by its control over the public funds was able to limit his actions, not only to prevent abuse of executive power, but also to gain from the governor important powers not legislative in character and more properly belonging to the executive.¹

The first State constitutions provided for a governor (or in some States a president) as the chief executive; but made important changes in the organization and powers of the office. The method of appointment of course ceased; and the governor became an elective official. In most of the States he was at first chosen by the legislature; but in New York, Vermont and Massachusetts he was directly elected by the qualified voters; this method was continued in Connecticut and Rhode Island; and was adopted in Pennsylvania in 1790 and by New Hampshire in 1792.

Such an important change in the method of selection would of itself have greatly affected the exercise of the former powers. But the opposition to the office developed in the colonial days, and the general acceptance of the principle of the separation of powers, led further to a great restriction of his authority, especially in regard to legislation. The veto on legislation and the power of proroguing and dissolving the legislature were withdrawn, although a qualified power of disapproving legislative measures was reserved in Massachusetts and a few other States. His appointing power was reduced, as the treasurer and other State officers were made elective by the legisla-

¹ E. B. Greene: *The Provincial Governor*.

ture; but in most States he retained a considerable power of appointment of judicial and local offices. He also retained the military and pardoning powers, and the duty to take care that the laws be faithfully executed. The general result was to leave the governor a narrow range of authority; while the powers conferred were in most of the States limited by a council. Nevertheless the office was considered one of large importance,—it was considered higher than that of United States Senator, and John Jay resigned as Chief Justice of the Supreme Court of the United States to become governor of New York.

Important changes have taken place in the position and powers of the State governor since the first constitutions of the latter part of the eighteenth century; and these changes have not always been in the same general direction. The main tendencies may be noted in two periods,—that extending to about 1850, and that since that year. In the earlier period three leading characteristics may be noted: The method of electing the governor by direct popular vote was rapidly adopted by all of the States, displacing the earlier method of election by the legislature; and at the same time the term of the governor was lengthened in many States from one year to two, three, or four years. These changes served to make the governor more independent of the legislature. At the same time the qualified veto power of the governor, as established in Massachusetts, was steadily extended; and by 1850 the governors of most States had this power, which served to increase their negative influence on legislation. On the other hand the governor's power of appointment was largely diminished, as both State and local offices formerly appointive were made elective; and at the middle of the nineteenth century the governor's appointing power, and as a result his control of the administration was at its lowest point. The general result of the development up to that time made the governor's position less important than at first; and his legislative authority was of greater importance than his administrative authority.

In the period since 1850 the position of the State governor has been strengthened to a notable extent, not so much by changes in the State constitutions, as by the expansion of State administration and a considerable increase in the appointing power of the governor conferred by statute. Many new State offices, boards and commissions have been established; and these positions have been filled on the nomination of the governor usually with the consent of the senate. This increase in appointing power has added to the governor's control over the State administration; and the increased administrative control

has added to the influence of the governor in other directions. At the same time the qualified veto power has been continued, and adopted in other States; and this power has been more effective with the other factors adding to the governor's authority. The general result has been to emphasize decidedly the importance of the governor's office; although his authority still falls much short of that of the President of the United States.

QUALIFICATIONS, TERM AND COMPENSATION.

In all of the States the governor is now elected by popular vote, on the same suffrage as that for members of the legislature. In most States the person receiving the largest popular vote is elected, even if that is a minority of the total vote. But in four States (Maine, Massachusetts, New Hampshire and Georgia) a majority vote is required; and if no candidate receives a majority, the election is decided by the legislature in joint ballot. In a number of other States, if two candidates have an equal and the highest vote, the legislature chooses the governor from these candidates.

The Mississippi constitution has a peculiar provision in regard to the election of governor, based partly on the method of electing the President of the United States. Each county or legislative district has a number of electoral votes equal to its representation in the State house of representatives; and this electoral vote is recorded for the candidate having the highest number of votes in the county. It is then provided that "the person having a majority of all the electoral votes and also a majority of the popular vote shall be declared elected." Under the existing political conditions in Mississippi the result is the same as a direct election; but if there were two closely contesting parties, it might happen that no candidate would receive the majority of the popular vote and also the majority of the electoral votes; and in such a case the House of Representatives will elect the governor.

The governors of the organized territories and dependencies of the United States (Alaska, Hawaii, Porto Rico and the Philippine Islands) are appointed by the President of the United States, by and with the consent of the Senate.

Governors are elected for terms ranging from one to four years. In twenty-three States, and also in the Territories, the term is four years,—these States including most of those which have adopted or revised their constitutions in recent years. Most of the States with four-year terms in the south and west; but this is also the term in Pennsylvania, Illinois and Indiana. In twenty-two States the term

is two years,—these States including most of the North Atlantic and North Central group. In Massachusetts and Rhode Island the term is one year; and in New Jersey it is three years.

In practice a governor is often elected for a second term, in States where the term is one or two years. Occasionally a governor may be elected for a third term, as Governor Cummins of Iowa. In Massachusetts it is the regular custom to elect a governor for three one-year terms. Where the term is four years re-elections are infrequent; but in Illinois governor Oglesby was elected for three terms, not in succession; and Governors Cullom and Deneen were elected for two successive terms.

The election of governors are usually held in November at the Presidential election and at the intervening congressional election,—at the same time as the members of the State legislature; and they take office the succeeding January. But in a few States (Georgia, Louisiana, Mississippi, Virginia and Vermont) the State elections come at other times; as do some of the elections in the States having one and three-year terms.

A number of early State constitutions required the governor to be a freeholder, and in a few cases there was a religious qualification. But such qualifications, as well as restrictions on re-election, have been generally removed. Most of the States, however, still require qualifications as to age and residence in the State. In about thirty States the governor must be thirty years of age; in Missouri he must be thirty-five, and in California twenty-five. Residence requirements range from two years (in nine States, mostly in the far west) to ten years in Maryland and Louisiana. The more usual requirement is from five to seven years. In Massachusetts, Illinois and Wisconsin there are no special constitutional requirements as to either age or residence.

Of more importance than the constitutional requirements are the qualifications found necessary in the actual operation of the political system. Such practical requirements are, however, subject to wide variation; and definite statements as to the general customs are difficult to make. It may be said, however, that those elected as State governors have often had considerable political experience, in either local or State offices, as members of Congress, or in the party councils. But legislative experience is not considered essential; and there are frequently cases where a governor has never before held public office.

Elected at the same time as at least one house of the State legislature, the State governors are usually of the same political party as the majority of the legislature. But in close States a governor may

be of a different party from the legislative majority, as has been the case in Massachusetts, New York, Ohio, Minnesota and Kentucky. But even when of the same party as the legislative majority, the governor is sometimes out of harmony with the legislature on important questions, as in the case of Governor Hughes of New York and Governor Deneen of Illinois. In other cases the governor may be the recognized leader of the party, or he may be guided in large measure by the unofficial party leaders.

In practice, however, most questions of State legislation and administration are not party questions; and political differences between the chief executive and the legislature are less serious than in the national government. Serious conflicts in State affairs between the two branches are indeed as likely to arise when they are of the same party as when they are of opposing parties.

The State governors receive a salary, which is often named in the State constitutions. The amount is however changed from time to time; and in recent years there have been many increases.² In a number of States there is also provided an executive mansion, or house for the governor, at the State capital.

In most cases the governor has the highest salary of any State officer. But in Michigan the judges of the Supreme Court receive more than the governor; and in New York the judges of the Court of Appeals receive the same salary, and some judges of the Supreme Court in New York City receive more. But in none of the States does the governor's compensation stand so markedly above that of the other officers as does that of the President in the national governors.

POWERS OF THE GOVERNOR.

The governor is classed by the State constitutions as an executive officer, vested with the chief executive power of the State. But little if any definite authority is conferred on the governor by the grant of "executive power." The State courts have applied the rule of strict construction to the powers of the governor much more closely than have the United States courts in the case of the President. And to learn the position and authority of the governor, it is necessary to examine the specific powers expressly granted in the State constitution. An examination of these specific powers shows that (as in the case of the President) the governor has some authority

² Governor's salaries now range from \$2500 in Nebraska and Vermont to \$12,000 in Illinois. In five States the salary is \$3,000; in twenty-five States it is from \$4,000 to \$5,000; in seven it is from \$6,000 to \$8,000; and in New York, New Jersey, Pennsylvania, Ohio and California it is \$10,000 a year.

in legislative matters, and also some authority in judicial as well as executive administration; while his control over the executive administration of the State is far from complete.

LEGISLATIVE POWERS.

In relation to the State legislaturé, the governor has powers similar to those of the President in relation to Congress. Over the constitution and election of the legislature he has no control, except the formal duty of issuing writs for a special election in case of vacancies. The time for beginning regular sessions of the legislature is provided in the State constitutions; and over this the governor has no control. The time of adjournment is also usually determined by the legislature itself, subject however in a number of States to provisions in the State constitution. But the governor has power to convene the legislature on extraordinary occasions; he may change the place of meeting in case of danger at the seat of government from disease or the presence of an enemy; and if the two houses fail to agree as to the time of adjournment, the governor may adjourn the session.

The provisions of the State constitutions as to extraordinary sessions vary in details. In many States the purpose of the special session is required to be stated either in the governor's proclamation or to the legislature when assembled. In about half of the States legislation at an extraordinary session is limited to the subjects named by the governor;³ but in the absence of such a provision, the legislature seems to be free to consider any subject, as at a regular session. Several State constitutions provide specifically for extra sessions of the State senate alone.

There have been but few cases where the governors have found it necessary to act in the matter of adjourning the legislature, or in convening it at a different place than the established seat of government. But the power to call extraordinary sessions has been frequently used (except in States where there are regular sessions every year). Governor Pingree of Michigan (1897-1900) convened one legislature of that State in three special sessions. In recent years extraordinary sessions of the legislature have been called in Ohio and Illinois almost regularly in the years between the regular sessions. Extraordinary sessions are an important factor in strengthening the governor's influence in legislation. At such sessions attention is concentrated on the subjects named by the governor, and there is less

³ In some States the governor may name additional subjects to those named in the original call for the special session. In *re* Pittsburg, 217 Pa. St. 227.

distraction on account of appropriation bills and the mass of routine measures which absorb much of the time at the regular sessions.

It is the constitutional duty of the governor to submit to the legislature information as to the condition of the State and to recommend such measures as he may deem expedient. In some States it is specified that this shall be done at the beginning of each session, while some States require it also at the close of the governor's term. Some States make express provision for reports on particular subjects and estimates of expenses.

Information and recommendations are regularly submitted by the governors in a written message, at the opening of each regular and special session of the legislature, and by additional messages submitted from time to time on special subjects. The governor's message at the opening of a regular session includes a survey of the State administration and recommendations on numerous subjects of proposed legislation. Messages to a special session and other special messages deal with one or a few subjects; and thus give emphasis to the governor's views on these subjects.

The governor's recommendations to the legislature do not constitute a formal introduction of the proposed measures; and the extent to which his recommendations will be adopted depends on the political and personal relations between the governor and the legislature. The recommendations, however, indicate subjects that will be at least considered; and in recent years the active influence of the governors in legislation has been markedly increased. Governor Roosevelt of New York took a decided position of leadership, notably in securing the enactment of an effective civil service law and a franchise tax law. His successor, Governor Odell was also a powerful factor in legislation, especially during his first term, his message of 1901 forming a legislative program most of which was enacted. More recently Governor Hughes was largely responsible for the passage of the Public Service Commission law. Other illustrations could be cited in the record of Governor Pingree of Michigan, La Follette of Wisconsin, Cummins of Iowa, Wilson of New Jersey and Johnson of California. These and other governors have taken the lead in proposing and advocating new legislation, and, aided by their constitutional powers and by public opinion, have secured the enactment of many measures.

Such active leadership on the part of recent governors has aroused opposition and criticism as an unconstitutional attempt to control the legislature. Often, too, opposition has prevented the enactment of many measures urged by the governors. It must be admitted that there is some danger of abuse, where a governor utilizes his power of

appointment and veto power to bring pressure on members of the legislature to vote against these convictions. But for the most part the strength of the governor's attitude has come from his support by public opinion.

"The importance of the reform governors is based not so much upon their positions as heads of the administration, but upon their character as the authoritative interpreters of the public will. Their position gives them a greater sense of responsibility and a more complete view of the situation than is found in the ordinary lay reformer. While keenly alive to the interests and wishes of the people, and desirous of doing away with abuses, they are apt to choose their ground with care and do not attempt the unattainable."⁴

Governor Hughes has set forth the conditions which have led to this position of leadership on the part of State governors:—

"It is out of the conflicts between competing interests or districts the Executive emerges as the representative of the people as a whole. Within the State, for example, each representative in the legislature is endeavoring to obtain something for his own district in order that he may stand well at home. He naturally looks at every general question with more regard to his political fortunes than with respect to the opinion or interest of the State as a whole. It is well, of course, that each district should have its interests represented. But in this rivalry of purely local concerns, a proper perspective with regard to matters of general policy is often lost. The general sentiment must find a voice, and in the course of our experience the people have come to look to the chief executive for that voice. By his authority to recommend measures which he believes to be of general importance and by his freedom to support his recommendations with argument and appeal, he commands a position of influence which is not embarrassed by district limitations. Having this opportunity he is necessarily under the obligations which it imposes, and when there is a preponderant sentiment in favor of a measure or a policy believed to be just, the people look to the Executive to speak in their behalf and to present that measure or policy as urgently as he may within the limits of his constitutional authority. This is a result of the natural demand for leadership, and of the opportunity for leadership which the functions of the office afford. It also carries with it direct accountability to the people, and in fact is only a phase of the tendency toward a greater measure of direct popular control."⁵

The governor's positive influence in legislation is based more on

⁴ P. S. Reinsch: *American Legislatures and Legislative Methods*, p. 283.

⁵ Phi Beta Kappa Oration, *Harvard Graduates Magazine*, XIX, 7 (1910).

political and personal relations than on the direct grant of power by the State constitutions. But at the final stage of legislation the governor has an important negative power distinctly conferred by the State constitutions. This is the power of disapproving bills passed by the legislature, commonly known as the veto power. In all the States except North Carolina every bill passed by the legislature must now be submitted to the governor; and if disapproved by him can only become a law if repassed, usually by more than a majority of each house of the legislature.

In some States the governor's disapproval may be overcome by the repassage of the bill by a simple majority of all the members of each house. This is the rule in nine States—Vermont, Connecticut, New Jersey, Indiana, Kentucky, Tennessee, West Virginia, Alabama and Arkansas. In three States—Delaware, Maryland and Nebraska—a three-fifths vote is required. In all the other States a two-thirds vote is necessary to enact a law over the disapproval of the governor; and usually this must be two-thirds of all the members elected to each house, but in a few States (Washington and Wisconsin) two-thirds of those present is sufficient. In Virginia there must be two-thirds of those present, which must include a majority of all the members.

In about two-thirds of the States,⁶ the governor's negative power is increased by authorizing him to disapprove separate items in appropriation bills. These include most of the southern, central and western States, and also New York, and Pennsylvania. In Ohio and Washington, the governor may disapprove any section of any bill. In these respects the governor's authority is more effective than that of the President.

The constitutional provisions in regard to the governor's veto power show a good deal of similarity in detail; but there are some differences of more or less importance, and there are some points not clearly determined which have called for judicial construction. The constitutions usually provide that the governor's power applies to "every bill" or to "every bill, order or resolution," with certain exceptions. Certain matters of legislative action are, however, always or usually excluded, such as resolutions for joint sessions or for adjournment, joint rules of legislative procedure, addresses for removal from office, constitutional amendments and measures submitted to a popular referendum. Usually constitutional amendments have been

⁶ Ala., Ark., Del., Ga., Ky., La., Miss., Mo., S. C., Tex., Va., W. Va., Ohio, Ill., Mich., Minn., Kan., Neb., N. D., S. D., Cal., Col., Idaho, Mont., Utah, Wash., Wyo., N. Y., Pa.

considered by the courts as exempt from the governor's action, even if not specifically excluded. In Delaware, however, constitutional amendments must be submitted to the governor.

Some classes of bills must pass the legislature in all cases by a vote equal to that needed to pass ordinary measures over the governor's veto; and the question has been raised whether such measures must be submitted to the governor and repassed if disapproved by him. In Nebraska and Connecticut it has been held that bills requiring more than a majority vote are not subject to the governor's action. On the other hand, the Georgia constitution distinctly requires the submission to the governor of bills which must in any case have a two-thirds vote to become law.

The method of presentation to the governor has given rise to some questions. In Massachusetts presentation must be to the governor in person; but in other States this is not necessary and it is considered to be sufficient if the bill is given either to the governor or his secretary, or in New Hampshire if left at the executive office. Otherwise a governor could absolutely prevent the enactment of a measure by absenting himself and preventing its presentation.

The bill presented must be in all essentials that as passed by the legislature.

The time given to the governor for considering bills ranges from three to ten days (Sundays being usually excepted). In thirty-four States the time is from three to six days, which gives the governor less time to consider bills than has the President. In eleven States the time is ten days, these including the most important States, such as New York, Pennsylvania and Illinois.⁷

It has been held in some States that the governor cannot act on bills after the legislature has adjourned, on the ground that in his approval of bills he is a component part of the legislature. But in other States the governor may act within the period allowed even if the legislature has adjourned; while in New York no bill becomes a law after the final adjournment of the legislature unless approved by the governor within thirty days after adjournment.

Probably every governor makes some exercise of the power of disapproving legislative bills; and before the recent development of active leadership in legislation by State governors, popular judgment of a governor was often based largely on his record of vetoes. Nevertheless, no comprehensive study has been made of the use of the veto power by State governors. The extent of its use varies widely with

⁷ In Illinois it has been held that the governor may recall his approval of a bill at any time before it has left his custody. *People v. McCullough*, 210 Ill. 418.

different governors and with different relations between the governors and the legislatures. When the governor and the legislature are not of the same political party, and party lines are strictly drawn in the work of the legislature, vetoes of important measures are apt to be more common than when the governors and legislatures are in political harmony. But some of the most important cases of the governor's veto have been against bills passed by a legislature of the same political party as the governor. Infrequent use of the veto may be due either to the governor's lack of independence, or to his control of the legislature. In some States, the exercise of the governor's negative power on important bills has become less frequent in recent years with the development of his positive influence in legislation. On the other hand, vetoes of items of appropriations tend to become more frequent.

More definite data may be given for the State of New York, from the recently published collection of Governor's Messages. During the colonial period, sixteen bills passed by the assembly were disapproved by the Crown, and eight by the colonial governors. Under the first State constitution, (1777 to 1821), the governor had no right of veto, but legislative bills were submitted to a council of revision, consisting of the Governor, Chancellor and Judges of the Supreme Court, which could resubmit for reconsideration by the general assembly. During the forty-four years of the first constitution, 260 bills were disapproved by this council. Under the constitution of 1821, the Council of Revision was abolished, and the governor was empowered to disapprove bills, subject to their repassage by a majority of each house of the legislature. Few bills were disapproved under this plan. The published messages show four vetoes by Governor De Witt Clinton during a service of nine years, and five by Governor Marcy during six years.

After the adoption of the constitution of 1846, which required a two-thirds vote to repass a measure over the governor's disapproval the number of veto messages increased, at first slightly. Governor Hamilton Fish (1849-50) vetoed twelve bills in two years, as did also Governor Seymour in a similar period (1853-1854). Governor Morgan (1859-1862) disapproved thirty-one bills in four years; and Governor Fenton (1865-68) vetoed thirty-five bills in a similar period.

These records were far surpassed by Governor Hoffman (1869-72) who disapproved 436 bills in four years. Since then most governors in New York have failed to approve, on the average, a hundred or more bills a year. The number of bills failing to become law for

lack of the governor's approval has probably been increased by the constitutional amendment adopted in 1874 providing that all bills not approved by the governor within thirty days after the adjournment of the legislature fail to become laws. Every year a considerable number of bills are included in what is known as the "omnibus veto," and some governors have apparently preferred to use this method rather than write veto messages on each bill. Governors Cleveland (1883-84) and Hill (1885-91) made brief statements of reasons for disapproving many bills in the "omnibus veto;" and Governor Flower (1892-94) wrote veto messages on most of the bills disapproved. But Governor Morton (1895-96) wrote only fifteen veto messages (one covering 55 bills), allowing 130 bills to fail without any statement; and Governor Black (1897-98) wrote veto messages on only seven bills, but allowed 463 to fail by the "omnibus veto."

Governor Roosevelt (1899-1900) wrote vetoes on 61 bills in two years; and disapproved 52 by an omnibus veto. The total number of bills disapproved by him was less than in any like period since Governor Tilden.

In other States in recent years, Governor Pennypacker of Pennsylvania exercised the power of disapproving legislative bills freely; and Governor Deneen of Illinois has also used the power to a considerable extent.⁸

The governor's disapproval of a bill may be, and often is, given on constitutional grounds; and this power serves to reduce the number of unconstitutional statutes. But the disapproval may also be given on grounds of general policy; and might be used to prevent the enactment of good as well as bad measures, for political or personal reasons. Vetoes of items in appropriation bills may be based on the ground that the proposed expenditure is unnecessary or wasteful, or because of the necessity or importance of keeping the total appropriations within certain limits. Many bills are vetoed

⁸ At a recent session of the California legislature, "the governor was left with a mass of hastily enacted legislation on his hands. The legislature had opened the flood gates wide, with the avowed understanding that the governor would carefully sift and examine the product before giving his assent. It went so far as to pass mutually contradictory measures, leaving it to the governor to choose between the alternatives or to reject both. The result was that, after the legislature had adjourned, the real work of legislation began. During the ten days allowed by the constitution, the governor and his entire force of assistants worked day and night. Hearings, necessarily brief, were accorded to persons interested in proposed measures. The whole volume of legislation was carefully gone over, before the governor decided which of the enacted measures were to become law." P. S. Reinsch: *American Legislatures and Legislative Methods*, p. 284.

on account of defective drafting, unnecessary duplications or as special acts already covered by general laws.

In most cases a governor's veto serves to prevent the enactment of the measure, whether the veto is based on grounds of constitutionality or public policy or even if it is suspected of being induced by partisan motives. If on grounds of public policy, popular opposition usually adds sufficient moral support to the governor's message to prevent the required vote from being secured. If political considerations are involved, the opposing party is rarely strong enough in the legislature to enact the law. Not infrequently a bill passed at first by more than a two-thirds vote will fail after the governor's disapproval; and sometimes will receive less than a majority on the second vote.

Moreover a governor wields larger influence over legislation through his power of disapproval than is indicated by the number of bills disapproved. Bills which it is known will be disapproved will not be passed,—or may be amended to meet the governor's objections before their passage. Fear that the governor may disapprove measures in which they are especially interested may also lead some members of the legislature to vote for other bills known to be favored by the governor.

JOHN A. FAIRLIE.

UNIVERSITY OF ILLINOIS.

[To be Continued].